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Interim Lead Class Counsel for Direct Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST LITIGATION

Master File No. 3:14-cv-03264-JD

**THIS DOCUMENT RELATES TO:
ALL DIRECT PURCHASER ACTIONS**

**DIRECT PURCHASER PLAINTIFFS'
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF THE
FIRST AMENDED CONSOLIDATED
COMPLAINT PURSUANT TO CIVIL
LOCAL RULES 7-11 AND 79-5**

Pursuant to Civil Local Rules 7-11 and 79-5, Direct Purchaser Plaintiffs (“Plaintiffs”) hereby move the Court to file under seal portions of Paragraphs 194, 206, 212-213, 215-217, 230, 237-257, 261, 263, 265, 271-273, 278-280, 282-283, 290, 292, 294, 299-304, 306, and 359 of the Direct Purchaser Plaintiffs’ First Amended Consolidated Complaint (“Amended Complaint”). As explained in greater detail in the Declaration of Joseph R. Saveri (“Saveri Declaration”), filed herewith, one or more Defendants have designated some of this information as “Confidential” or “Highly Confidential” under the Protective Order. (*See* Dkt. 563.)

A redacted version of the Amended Complaint has been electronically filed on the public docket. An unredacted version has been electronically submitted to the Court under seal pursuant to Civil Local Rule 79-5. Plaintiffs will serve both versions on Defendants.

1 Civil Local Rule 79-5 governs the filing under seal of documents or portions of documents that
 2 contain material that is “privileged, protectable as a trade secret or otherwise entitled to protection
 3 under the law.” Civ. L. R. 79-5(b). A party seeking to file a document, or portions thereof, under seal
 4 must file an administrative motion to file under seal. Civ. L. R. 79-5(d)(1). Additional procedures apply
 5 where the submitting party seeks to file under seal material designated as confidential by the opposing
 6 party or a non-party. Civ. L. R. 79-5(e).

7 Because the material at issue has been designated confidential by another party, it is the burden
 8 of that party to establish that the designated information is sealable. Civil L.R. 79-5(e)(1); *see Kamakana*
 9 *v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006). Plaintiffs take no position on the
 10 question of whether the redacted information is “privileged, protectable as a trade secret or otherwise
 11 entitled to protection under the law.” Civ. L.R. 79-5(b). Accordingly, Plaintiffs submit the attached
 12 proposed order only to comply with Civ. L. R. 79-5(d)(1)(B). Plaintiffs take no position on whether the
 13 Court should grant the proposed order.

14 Dated: June 16, 2015

JOSEPH SAVERI LAW FIRM, INC.

15 By: /s/ Joseph R. Saveri
 16 Joseph R. Saveri

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